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09/855,239	05/14/2001	Sanjay Bhansali	3382-56370	9026

			EXAMINER
26119	7590	09/22/2004	NAHAR, QAMRUN

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ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/855,239	BHANSALI ET AL.
	Examiner	**Art Unit**
	Qamrun Nahar	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *5/14/01, 10/5/01*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. Claims 1-38 have been examined.

Specification

2.   The disclosure is objected to because of the following informalities: under the BRIEF

DESCRIPTION OF THE DRAWINGS section on pg. 8, Figures' 1 and 2 descriptions should

include the term "prior art".

Appropriate correction is required.

3.   The disclosure is objected to because of the following informalities: under the BRIEF

DESCRIPTION OF THE DRAWINGS section on pg. 8, Figure 5 description is not sufficiently

descriptive.

Appropriate correction is required.

Claim Objections

4.   Claim 8 is objected to because of the following informalities: "**The** method of executing

the output stream" on line 1 of the claim should be "A method of executing the output stream".

Appropriate correction is required.

5.   Claim 13 is objected to because of the following informalities: "instructions" on line 3 of

the claim should be "instruction". Appropriate correction is required.

6.   Claim 24 is objected to because of the following informalities: "A method of translating computer program code an input stream" on line 1 of the claim should be "A method of translating computer program code **from** an input stream". Appropriate correction is required.

7.   Claim 31 is objected to because of the following informalities: "The system of" on line 1 of the claim should be "The computer readable medium of". Appropriate correction is required.

8.   Claim 32 is objected to because of the following informalities: "The system of" on line 1 of the claim should be "The computer readable medium of". Appropriate correction is required.

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10.   Claims 1-27, 31-33 and 35-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11.   Claim 1 recites the limitation "the translatable instructions" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "translatable instructions".

        Claims 2-14, 18-20, 33 and 35-38 are rejected for dependency upon rejected base claim 1 above.

12.   Claim 15 recites the limitation "the translatable instructions" in line 4 of the claim. There

is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is

interpreted as "translatable instructions".

 Claims 16-17 are rejected for dependency upon rejected base claim 15 above.

13.   Claim 17 recites the limitation "the server response" in line 3 of the claim. There is

insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is

interpreted as "a server response".

14.   Claim 21 recites the limitation "the translatable instructions" in line 4 of the claim. There

is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is

interpreted as "translatable instructions".

 Claims 22-23 are rejected for dependency upon rejected base claim 21 above.

15.   Claim 24 recites the limitation "the translatable portions" in line 4 of the claim. There is

insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is

interpreted as "translatable portions".

16.   Claim 25 recites the limitation "the translatable portions" in line 3 of the claim. There is

insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is

interpreted as "translatable portions".

Claim 31 is rejected for dependency upon rejected base claim 25 above.

17.   Claim 26 recites the limitation "the translatable portions" in line 3 of the claim. There is

insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is

interpreted as "translatable portions".

18.   Claim 27 recites the limitation "the translatable portions" in line 3 of the claim. There is

insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is

interpreted as "translatable portions".

Claim 32 is rejected for dependency upon rejected base claim 27 above.

Claim Rejections - 35 USC § 102

19.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

20.   Claims 1-14, 19-22, 25, 27-28 and 30-38 are rejected under 35 U.S.C. 102(e) as being

anticipated by DeLong (U.S. 6,247,169).

Per Claim 1 (as best understood):

The DeLong patent discloses:

- a method of translating computer program code from a first language representation into a second language representation, the method comprising: translating translatable instructions of an input stream in a first language representation into an output stream in a second language representation ("According to the present invention, an embedded exception handling software construct encapsulates at least a single selected software code region in a software program. Encapsulation of the selected code region ensures structured exception handling within the execution scope of the encapsulated software. According to one embodiment of the present invention, the range of the structured exception handling extends beyond the lexical scope of the encapsulated code and includes its run-time dynamic scope." in column 1, lines 60-67 to column 2, lines 1-2)

- identifying an unresolvable translation error in the input stream; and placing at least one second language representation instruction in the output stream responsive to identifying the unresolvable translation error in the input stream; wherein the placed at least one second language representation instruction is at least one of either a handling instruction or an exception throwing instruction ("Exception construct 20 is an embedded-code-enclosing wrapper enveloping the lexical scope 21 of selected software code to be protected. In particular, exception construct 20 is placed around a selected section of software code within which an applicable exception may be raised. The wrapper of exception construction 20 includes an opening expression, "ON_EXCEPTION (e,handler) {"and a closing expression"}EX_END". The opening expression of exception construct 20 is inserted at the beginning of the lexical code

scope 21 of the selected software. The closing expression of exception construct 20 is inserted at the end of the lexical code scope 21 of the selected software." in column 4, lines 16-36).

Per Claim 2 (as best understood):

The DeLong patent discloses:

- **wherein said placing comprises placing the at least one second language representation instruction in a location in the output stream where the unresolvable translation error in the input stream would have been placed in the output stream had the unresolvable translation error been a translatable instruction** (column 4, lines 25-36).

Per Claim 3 (as best understood):

The DeLong patent discloses:

- **wherein said placing comprises placing the at least one second language representation instruction in a location in the output stream where a method containing the unresolvable translation error in the input stream would have been placed in the output stream had the entire method been translatable** (column 2, lines 62-67 to column 3, lines 1-48).

Per Claim 4 (as best understood):

The DeLong patent discloses:

- wherein said placing comprises placing the at least one second language representation instruction in a location in the output stream where a basic block containing the unresolvable translation error in the input stream would have been placed in the output stream had the entire basic block been translatable (column 2, lines 62-67 to column 3, lines 1-48).

Per Claim 5 (as best understood):

The DeLong patent discloses:

- executing at least one translated instruction and at least one placed second language representation instruction (column 4, lines 66-67 to column 5, lines 1-25).

Per Claim 6 (as best understood):

The DeLong patent discloses:

- wherein said placing further comprises: directing the placement of the at least one second language representation instruction within the output stream based on a declarative textual indication contained in the input stream ("macros", column 4, lines 25-36).

Per Claim 7 (as best understood):

The DeLong patent discloses:

- wherein said placing comprises placing both: at least one exception throwing instruction; and at least one handling instruction (column 4, lines 16-36).

Per Claim 8 (as best understood):

The DeLong patent discloses:

- executing the placed handling instruction subsequent to executing the placed exception throwing instruction (column 4, lines 66-67 to column 5, lines 1-25).

Per Claim 9 (as best understood):

The DeLong patent discloses:

- wherein the declarative textual indication designates that the at least one second language representation instruction replace an unresolvable translation error (column 4, lines 16-36).

Per Claim 10 (as best understood):

The DeLong patent discloses:

- wherein the declarative textual indication designates that the at least one second language representation instruction replace a basic block containing an unresolvable translation error (column 4, lines 16-36).

Per Claim 11 (as best understood):

The DeLong patent discloses:

- wherein the declarative textual indication designates that the at least one second language representation instruction replace a method containing an unresolvable translation error (column 4, lines 16-36).

Per Claim 12 (as best understood):

The DeLong patent discloses:

- determining from a declarative textual indication in the input stream which at least one second language representation instruction to place in the output stream (column 4, lines 16-36).

Per Claim 13 (as best understood):

The DeLong patent discloses:

- obtaining from a library of available at least one second language representation instruction, the at least one second language representation instruction placed in the output stream (column 7, lines 14-34).

Per Claim 14 (as best understood):

The DeLong patent discloses:

- wherein the at least one of either a handling instruction or an exception throwing instruction, is an application programming interface instruction to a dynamically linkable library (column 7, lines 14-34).

Per Claim 19 (as best understood):

The DeLong patent discloses:

- determining a level to place the at least one second language representation instruction; wherein the determination of level to place the at least one second language representation instruction is made from among a set of available levels, the set of available levels including at least two distinct levels from a group of potential levels, the group of potential levels comprising a method level, an instruction level, a basic block level, and a program level (column 2, lines 62-67 to column 3, lines 1-48).

Per Claim 20 (as best understood):

The DeLong patent discloses:

- wherein a declarative textual indication indicates the level to place the at least one second language representation instruction (column 4, lines 25-36).

Per Claim 21 (as best understood):

The DeLong patent discloses:

- a method of translating computer program code from an input stream in a first language representation into an output stream in a second language representation, the input stream comprising declarative textual indications, the method comprising: translating translatable instructions in the input stream into the output stream (column 1, lines 60-67 to column 2, lines 1-2; and "macros", column 4, lines 25-36)

- identifying a first language representation of a declarative textual indication in the input stream, the declarative textual indication indicating how to handle at least one of either an unresolvable translation error or a suspected code encountered in the input stream; and translating the first language representation of the declarative textual indication in the input stream into the second language representation of the declarative textual indications in the output stream; whereby the second language representations of the declarative textual indications are available to a next phase of translation, the next phase of translation able to use the second language representation of the declarative textual indication as a resource for determining how to handle an unresolvable translation error and/or suspect code encountered by the next phase of translation as the next phase translates the output stream into a third language representation (column 4, lines 16-36; the claim recitation "one of either an unresolvable translation error or a suspected code" only requires either one. Therefore, an unresolvable translation error is used for this claim rejection.).

Per Claim 22 (as best understood):

The DeLong patent discloses:

- a method of translating the output stream of claim 21 into a third language output stream, the method comprising: translating the translatable instructions of the output stream into the third language output stream; identifying an unresolvable translation error in the output stream; determining an indicated third language representation instruction from a declarative textual indication in the output stream; and placing the indicated third language representation instruction in the third language output stream responsive to identifying the unresolvable translation error in the output stream (column 4, lines 16-36).

Per Claims 25 and 31 (as best understood):

These are computer readable medium versions of the claimed method discussed above (claims 1 and 6, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by DeLong.

Per Claims 27 and 32 (as best understood):

These are computer readable medium versions of the claimed method discussed above (claims 1 and 6, respectively), wherein all claim limitations also have been addressed and/or

covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by DeLong.

Per Claim 28:

This is a system version of the claimed method discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above, including "a user input device, a first language input stream, an operating system, a translation system operating under control of the operating system" and "translating ... subsequent to a user input on the user input device" (column 3, lines 49-67 to column 4, lines 1-8). Thus, accordingly, this claim is also anticipated by DeLong.

Per Claim 30:

This is a system version of the claimed method discussed above (claims 1 and 7), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above, including "a user input device, a first language input stream, an operating system, a translation system operating under control of the operating system" and "translating ... subsequent to a user input on the user input device" (column 3, lines 49-67 to column 4, lines 1-8). Thus, accordingly, this claim is also anticipated by DeLong.

Per Claim 33 (as best understood):

The DeLong patent discloses:

- a computer readable medium comprising translated code produced by claim 1 (column 3,

lines 49-55).

Per Claim 34:

This is an another version of the claimed method discussed above, claim 1, wherein all

claim limitations also have been addressed and/or covered in cited areas as set forth above.

Thus, accordingly, this claim is also anticipated by DeLong.

Per Claim 35 (as best understood):

The DeLong patent discloses:

- further comprising: placing in the output stream an unaltered copy of the identified

unresolvable translation error (column 2, lines 62-67 to column 3, lines 1-48).

Per Claim 36 (as best understood):

The DeLong patent discloses:

- a method of executing the output stream of claim 35, the method comprising: executing

the placed one second language representation instruction, said executing invoking a

translator on the unaltered copy of the identified unresolvable translation error from the

output stream, thereby causing the invoked translator to attempt to translate the unaltered

copy of the unresolvable translation error into a second language representation

instruction, and if the unaltered copy of the identified unresolvable translation error is translatable into a second language representation instruction, then the second language representation instruction is executed (column 4, lines 66-67 to column 5, lines 1-25).

Per Claim 37 (as best understood):

The DeLong patent discloses:

- wherein said placing comprises placing the at least one second language representation instruction in a new basic block in the output stream (column 4, lines 16-36).

Per Claim 38 (as best understood):

The DeLong patent discloses:

- wherein the declarative textual indication designates that the at least one second language representation instruction should be inserted in a new basic block (column 4, lines 16-36).

21.   Claims 15, 17, 26 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindholm (U.S. 6,618,855).

Per Claim 15 (as best understood):

The Lindholm patent discloses:

- a method of translating computer program code from an input stream in a first language representation into an output stream in a second language representation, and the input stream may or may not be from a trusted source, the method comprising: translating translatable instructions of the input stream into the output stream (column 6, lines 57-65)

- identifying suspected code in the input stream; determining that the input stream is from a trusted source; and translating the suspected code in the input stream into the output stream (column 20, lines 11-42).

Per Claim 17 (as best understood):

The Lindholm patent discloses:

- wherein the determining further comprises: making a request to a server; and determining from a server response whether the input stream is from a trusted source (column 20, lines 11-42).

Per Claim 26 (as best understood):

This is a computer readable medium version of the claimed method discussed above, claim 15, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Lindholm.

Per Claim 29:

This is a system version of the claimed method discussed above, claim 15, wherein all

claim limitations also have been addressed and/or covered in cited areas as set forth above,

including "a user input device, a first language input stream, an operating system, a translation

system operating under control of the operating system" and "translating ... subsequent to a user

input on the user input device" (column 9, lines 17-54). Thus, accordingly, this claim is also

anticipated by Lindholm.

Claim Rejections - 35 USC § 103

22.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

23.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLong (U.S.

6,247,169).

Per Claim 18 (as best understood):

The rejection of claim 5 is incorporated, and DeLong further teaches wherein the

presently executing instruction is the at least one placed second language representation

instruction (column 4, lines 66-67 to column 5, lines 1-25). DeLong does not explicitly teach

that requesting by the presently executing at least one placed second language representation

instruction, the request being made to a server for instructions external to the output stream.

Official Notice is taken that it was a common practice to request for instructions from a server at the time the instant invention was made.

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by DeLong to include that requesting by the presently executing at least one placed second language representation instruction, the request being made to a server for instructions external to the output stream using the teaching of common practice. The modification would be obvious because one of ordinary skill in the art would be motivated to share instructions among multiple users.

24. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lindholm (U.S. 6,618,855) in view of DeLong (U.S. 6,247,169).

Per Claim 16 (as best understood):

The rejection of claim 15 is incorporated, and further, Lindholm does not explicitly teach wherein a declarative textual indication in the input stream is used to determine whether the input stream is from a trusted source. DeLong teaches wherein a declarative textual indication in the input stream is used to determine whether the input stream is from a trusted source (column 4, lines 25-36).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Lindholm to include wherein a declarative textual indication in the input stream is used to determine whether the input stream is from a trusted source using the teaching of DeLong. The modification would be obvious

because one of ordinary skill in the art would be motivated to simplify exception handling by reducing code-writing workloads for software programmers (DeLong, column 1, lines 46-58).

25.   Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLong (U.S. 6,247,169) in view of Lindholm (U.S. 6,618,855).

Per Claim 23 (as best understood):

The rejection of claim 21 is incorporated, and Delong further teaches a method of translating the output stream of claim 21 into a third language output stream, the method comprising: translating the translatable instructions of the output stream into the third language output stream and determining from the declarative textual indication in the output stream whether the output stream is from a trusted source (column 4, lines 16-36). Delong does not explicitly teach identifying a suspected code in the output stream; and translating the suspect code into the third language output stream in response to determining that the output stream is from the trusted source. Lindholm teaches identifying a suspected code in the output stream; and translating the suspect code into the third language output stream in response to determining that the output stream is from the trusted source (column 20, lines 11-42).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Delong to include identifying a suspected code in the output stream; and translating the suspect code into the third language output stream in response to determining that the output stream is from the trusted source using the teaching of Lindholm. The modification would be obvious because one of ordinary skill in

the art would be motivated to pre-verify modules before runtime (Lindholm, column 6, lines 23-36).

Per Claim 24 (as best understood):

This is another version of the claimed method discussed above (claims 22 and 23), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above, including "invoking a method level exception throwing instruction ..." and "invoking a basic block level exception throwing instruction ... " (column 2, lines 62-67 to column 3, lines 1-48). Thus, accordingly, this claim is also obvious.

Conclusion

26.   Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699 *if calling before October 28, 2004;* otherwise *if calling on or after October 28, 2004,* then the telephone number is (571)272-3730. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN
September 7, 2004

ANIL KHATRI
PRIMARY EXAMINER